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a database connected to the computer network for providing the user color display device characterization data to the server in accordance with the user identification.

REMARKS

The undersigned attorney for Applicants acknowledges with gratitude the many courtesies extended by Examiner Chung during the telephonic interview held on September 11, 2002.

Claims 1-32 are currently pending in the application, and stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,091,518 to Anabuki in view of U.S. Pat. No. 6,157,735 to Holub. In particular, the Examiner found that Anabuki discloses determining user color characterization data in response to a user request to provide one or more images, and causing one or more images having color characteristics appropriate to the user color characterization data so determined to be sent to the user. In the Amendment and Response previously filed by Applicants on December 26, 2001, Applicants described the differences between Anabuki and the claimed invention and explained why Anabuki is not anticipatory of the pending claims. In the present Action, the Examiner agrees with Applicants' explanations and affirms that Anabuki does not disclose determining user color characterization data or performing color correction based upon user display characteristics. However, the Examiner understands the teaching of Holub to show this claimed feature, and opines that the motivation would have been to effectively allow users to negotiate over the colors appearing in a page layout and to confer about color corrections in an easy manner, as per the teaching of Holub. The Examiner thus held that it would have

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been obvious to incorporate this teaching of Holub with the teaching of Anabuki and thereby anticipate the present claims.

Applicants have carefully reviewed the cited art, paying special attention to the portions of the disclosure highlighted by the Examiner and, as explained during the telephonic interview of September 11, 2002, are compelled to respectfully disagree with the Examiner's understanding of the cited references. In particular, Holub discloses a system and method wherein images are provided to nodes in a network and subsequently transformed at each node (see, e.g., Holub at col. 9 ll. 20-24). Holub does not disclose providing images that have already been adjusted. Furthermore, the ability for users of the Holub system to negotiate over a page color layout as is noted by the Examiner in the Action is irrelevant to the pending claims, because the claimed invention does not entail any sort of negotiations. In the claims, in response to an image request, user color display characterization data is determined and an image with appropriate color characteristics is then provided to the user. This process does not involve any negotiations.

During the interview of September 11, 2002, Examiner Chung indicated his belief that the term "user color characterization data" is too broad and may be interpreted to read upon the art. The undersigned attorney noted that the claims must be read in light of the specification, which discusses the term that the Examiner objected to. The parameters that are included in the "user color characterization data" as used in the pending claims are discussed in the specification at, e.g., p. 38 ll. 4-15. As discussed between Examiner Chung and the undersigned attorney, the claims have been amended to make clear that the user color characterization data as used in the claims refers to user color *display device* characterization data. Applicants expressly note that this amendment is not a narrowing amendment because it does

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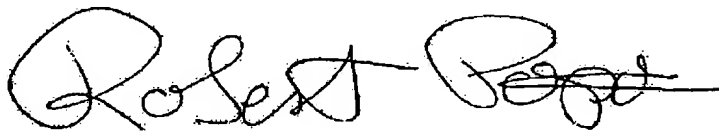
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not add a limitation to the claims and it does not narrow an originally filed limitation, but rather merely conforms the language of the claims to the language of the specification. Thus, this amendment is not submitted because it is required to overcome the art cited by the Examiner but rather to clarify the differences between the art cited by the Examiner and the claimed invention.

In view of the above, Applicants submit that the application is in condition for allowance and respectfully urge the Examiner to consider the claims, allow the claims, and pass this case to issue.

No additional fees are believed to be due. If an extension of time is required for this paper or later filed papers, please consider this a petition for the required extension of time. Please charge any required petition fees, and any other fees, except for payment of the issue fee, and charge any underpayment or credit any overpayment during the prosecution of this application to our Deposit Account No. 09-0946 for which purpose a duplicate of this paper is enclosed.

Respectfully submitted,



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Marked-up amendments pursuant to 37 C.F.R. 1.121(c) (3)Summary of the Invention

A method for providing images to a user comprising, in response to a user request for one or more images, determining available user color display device characterization data, and causing one or more images having color characteristics appropriate to determined user color display device characterization data to be provided to the user. The method may further entail, after determining that user color display device characterization data is available, displaying to the user a first icon on the display device. The method may also include, after determining that user color display device characterization data is not available, displaying to the user a second icon on the display device. The one or more images may be color corrected prior to being provided to the user.

1. (Twice amended) A method for providing images to a user, comprising:  
in response to a user request for one or more images, determining available user color display device characterization data; and  
causing one or more images having color characteristics appropriate to determined user color display device characterization data to be provided to the user.

2. (Twice amended) The method of claim 1, further comprising after determining that user color display device characterization data is available:  
displaying to the user a first icon on the display device.

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3. (Twice amended) The method of claim 1, further comprising after determining that user color display device characterization data is not available:  
displaying to the user a second icon on the display device.
6. (Twice amended) The method of claim 4 or claim 5, wherein color correcting the one or more images comprises:  
color correcting the one or more images in accordance with the display device characterization data of the user.
7. (Twice amended) The method of claim 4 or claim 5, wherein color correcting the one or more images comprises:  
color correcting the one or more images in accordance with a predetermined set of display device color characterization parameters.
10. (Once amended) The method of claim 9, wherein determining user characterization data comprises:  
providing information from the client to the server to determine user color display device characterization data.
13. (Once amended) The method of claim 11, wherein the cookie contains the user color display device characterization data.
14. (Once amended) The method of claim 12, further comprising:  
retrieving from a database the user color display device characterization data in accordance with the user identification.
15. (Once amended) A system for providing images to a user, comprising:

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a data provider for determining available user color display device characterization data in response to a user request for one or more images; and

an image provider for causing one or more images having color characteristics appropriate to determined user color display device characterization data to be provided to the user.

16. (Once amended) The system of claim 15, wherein the image provider comprises:

an image provider for displaying a first icon to the user if user color display device characterization data is available.

17. (Once amended) The system of claim 15, wherein the image provider comprises:

an image provider for displaying a second icon to the user if user color display device characterization data is not available.

19. (Once amended) The system of claim 18, wherein the image provider comprises:

an image provider for color correcting the one or more images in accordance with the color display device characterization data of the user.

21. (Once amended) The system of claim 20, wherein the image provider comprises:

an image provider for selecting the one or more images in accordance with the color display device characterization data of the user.

22. (Once amended) The system of claim 15, wherein the image provider comprises:

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an image provider for color correcting the one or more images in accordance with a predetermined set of color display device characterization parameters.

23. (Once amended) The system of claim 20, wherein the image provider comprises:

an image provider for selecting the one or more images in accordance with a predetermined set of color display device characterization parameters.

27. (Once amended) The system of claim 26, wherein the server comprises:

a server for receiving information from the client to determine user color display device characterization data.

31. (Once amended) The system of claim 29, further comprising:

a database connected to the computer network for providing the user color display device characterization data to the server in accordance with the user identification.